

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Timothy Roquemore

18 CV 4626

Write the full name of each plaintiff.

CV
(Include case number if one has been assigned)

-against-

Loro Piana

Do you want a jury trial?

Seth Van Kirk

☒ Yes ☐ No

Aldo Moschini

Barbara Ambrecht

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

EMPLOYMENT DISCRIMINATION COMPLAINT

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. PARTIES**A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

Timothy		Roquemore
First Name	Middle Initial	Last Name
130 Hempstead Ave. #417		
Street Address		
West Hempstead	NY	11552
County, City	State	Zip Code
(917) 723-0663	timothyroquemore@aol.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:	Loro Piana		
	Name		
	711 5th Ave. 11th floor		
	Address where defendant may be served		
	New York	NY	10022
	County, City	State	Zip Code
Defendant 2:			
	Name		
	Address where defendant may be served		
	County, City	State	Zip Code

Defendant 3:

 Name

 Address where defendant may be served

 County, City

State

Zip Code

II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

Loro Piana

 Name

711 5th Ave. 11th floor

 Address

New York

NY

10022

 County, City

State

Zip Code

III. CAUSE OF ACTION**A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964**, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

- ☒ race: African-American
- ☐ color: _____
- ☐ religion: _____
- ☐ sex: _____
- ☐ national origin: _____

- ☒ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: African-American

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1976

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: _____

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: abdominal hernia

- ☒ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law): _____

IV. STATEMENT OF CLAIM

A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☐ harassed me or created a hostile work environment
- ☒ other (specify): discriminatory hiring practices; did not allow equal opportunity for application for higher-level positions

B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

On June 16th, 2017 I went on medical leave and returned to work on September 5th, 2017. While on medical leave I continued to work remotely via email.

Upon returning to work I was bewildered after realizing that a new person, Seth Van Kirk was hired in the new role of Director of Visual Merchandising. Prior to taking medical leave and upon returning to work I asked Human Resources about opportunities within the company in which I could advance since I was approaching my 10th year with the company. I was given false information regarding openings within the organization. Being the most senior member and only African-American in the department I was not granted any opportunity for advancement. On August 10th, 2017, I spoke with my supervisor and I was informed that she would be leaving the company in addition to the fact that the Vice President of Visual Merchandising had left the company. Therefore, I knew there would be openings in upper management, but Human Resources was not being forthcoming with department structure and open opportunities for advancement. On September 15th, 2017 from an outside source, I became aware of a job opportunity in my department, but it was for the same job title as my current position; I submitted resumes to Human Resources of African-American candidates whom were never granted an interview

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

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Upon returning to work I was bewildered after realizing that a new person; Seth Van Kirk was hired in the new role of Director of Visual Merchandising. Prior to taking medical leave and upon returning to work I asked Human Resources about opportunities within the company in which I could advance since I was approaching my 10th year with the company. I was given false information regarding openings within the organization. Being the most senior member and only African-American in the department I was not granted any opportunity for advancement. On August 10th, 2017, I spoke with my supervisor and I was informed that she would be leaving the company in addition to the fact that the Vice President of Visual Merchandising had left the company. Therefore, I knew there would be openings in upper management, but Human Resources was not being forthcoming with department structure and open opportunities for advancement. On September 15th, 2017 from an outside source, I became aware of a job opportunity in my department, but it was for the same job title as my current position; I submitted resumes to Human Resources of African-American candidates whom were never granted an interview.

In November of 2017 I had my first meeting with Seth Van Kirk the new Director of Visual Merchandising. During the meeting I was asked about my tenure, why I had been with the company for so long, my medical leave and comments were made about developing a "younger team". I expressed concerns about the lack of growth opportunity within Loro Piana and ideas of how to improve communication, department structure and ways to work more efficiently. After the meeting I was thanked for my feedback and transparency. *Note: The Visual Merchandising Director job would have been the next step in a promotion for me.*

In December I received a follow-up meeting request from Seth Van Kirk. On Friday December 15th, 2017 the meeting was held. While I thought the follow-up meeting would be regarding the concerns I raised, ideas and feedback I gave to benefit the department/company; instead it was a meeting with Seth and VP of Human Resources Barbara Ambrecht. The meeting lasted a few minutes. During the meeting my commitment to the company was questioned, I was fired with no severance, no health benefits. I was retaliated against because I spoke out against the complicit nature of Human Resources regarding discriminatory hiring practices and communication.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div>520-2018-01295</div> </div>	
New York State Division Of Human Rights and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mr. Timothy Roquemore		Home Phone (917) 723-0663	Year of Birth
Street Address City, State and ZIP Code 130 Hempstead Ave., 417, WEST HEMPSTEAD, NY 11552			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name LORO PIANA		No. Employees, Members	Phone No. (212) 980-7960
Street Address City, State and ZIP Code 711 5th ave 11th floor, NEW YORK, NY 10022			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 12-15-2017 12-15-2017 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I was formally employed with Respondent (Loro Piana). I was fired from my position on December 15, 2017 after 9.5 years of service to the company. I performed my duties in an excellent manner. I believe I was discriminated against due to my Race (Black), Disability and subjected to retaliation because I complained to Respondent about job discrimination. I believe my rights have been violated under Title VII of the Civil Rights Act of 1967, as amended, and the Americans with Disabilities Act of 1990, as amended when I was terminated from my position.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct. Digitally signed by Timothy Roquemore on 02-07-2018 02:16 PM EST		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

DISMISSAL AND NOTICE OF RIGHTS

To: **Timothy Roquemore**
130 Hempstead Ave.
Unit 417
West Hempstead, NY 11552

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

520-2018-01295

Roxanne Zygmund,
Investigator

(212) 336-3764

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Kevin J. Berry (R3)

Kevin J. Berry,
District Director

FEB 27 2019

(Date Mailed)

Enclosures(s)

cc:

Barbara Ambrecht, HR Director
LORO PIANA
711 5th Avenue, 11th floor
New York, NY 10022

V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 2/7/18

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 2/27/18

When did you receive the Notice? 3/5/18

☐ No

VI. RELIEF

The relief I want the court to order is (check only those that apply):

- ☐ direct the defendant to hire me
- ☐ direct the defendant to re-employ me
- ☐ direct the defendant to promote me
- ☐ direct the defendant to reasonably accommodate my religion
- ☐ direct the defendant to reasonably accommodate my disability
- ☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)


After 9.5 years of exemplary service my employment along with health benefits was terminated on 12/15/17 causing undue financial and emotional stress. Since my termination I continue to actively seek employment but have yet to regain employment status. I want the court to order relief in the form of \$300,000 in addition to general and punitive damages plus continuation of health, vision and dental benefits for one full calendar year based on the family health plan I selected.

VII. PLAINTIFF'S CERTIFICATION

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>5/24/18</u>		<u></u>	
Dated		Plaintiff's Signature	
Timothy		Roquemore	
First Name	Middle Initial	Last Name	
<u>130 Hempstead Ave. #417</u>			
Street Address			
<u>West Hempstead</u>	<u>NY</u>	<u>11552</u>	
County, City	State	Zip Code	
<u>(917) 723-0663</u>	<u>timothyroquemore@aol.com</u>		
Telephone Number	Email Address (if available)		

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.